

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
 N/S Seminary Avenue, 81 ft. W \*  
 of c/l Mays Chapel Road \* ZONING COMMISSIONER  
 1600 Seminary Avenue \*  
 8th Election District \* OF BALTIMORE COUNTY  
 3rd Councilmanic District \*  
 Korean Presbyterian Church \* Case No. 95-243-A  
 of Baltimore \*  
 Petitioner \*  
 \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Zoning Variance for the property located at 1600 Seminary Avenue (west) in the Lutherville/Timonium section of Baltimore County. The Petition is filed by the Korean Presbyterian Church of Baltimore, property owner. Variance relief is requested from Section 413.1.B of the Baltimore County Zoning Regulations (BCZR) to permit an existing free-standing sign, double faced, with a total area of 154 sq. ft. in lieu of the required 30 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was Reverend Timothy K. Oh, on behalf of the property owner. The property owner was represented by E.C. Kane, Esquire. Mr. A. Douglas McComas, from the Falls Road Community Association, appeared as an interested person. There were no Protestants, or other individuals present.

Testimony and evidence offered was that the subject site is a large tract which is located at the intersection of Mays Chapel Road and Seminary Avenue in Lutherville/Timonium. The property is improved with an existing church building which contains two levels. Moreover, an existing lighted, macadam parking area is also on site. The balance of the rather large tract is unimproved.

ORDER RECEIVED FOR FILING

Date

By

*2/21/95*  
*[Signature]*

MICROFILMED

Testimony and evidence presented was that the church apparently received a complaint from an adjoining property owner, Patrick A.M. Miller, about the lighting of the parking lot. Mr. Miller, who did not appear at the public hearing, apparently complained that the lighting was shining off the site and was a nuisance to both his property and traffic on the surrounding roads. Although this problem was corrected, investigation of same by Baltimore County uncovered the fact that a sign on the property exceeds the maximum dimensions allowed by the BCZR. As noted above, the BCZR would allow a sign no larger than 30 sq. ft. to be on the property. As shown on the site plan, a large double faced sign exists on the site immediately adjacent to the intersection. Under the regulations, the entire area of the sign structure, including its base and decorative trim, is considered part of the sign. The sign is 72 sq. ft. per side, or 144 sq. ft. total. (The Petitioner apparently incorrectly described the area of the sign as 154 sq. ft. on the Petition). Moreover, the actual area of the face of the sign, not including the brick base, is 30 sq. ft. per side, or 60 ft. total.

Petitions for Variance are to be adjudged by the standards set forth in Section 307 of the BCZR as same have been construed by the case law. The Zoning Commissioner is empowered to grant variances upon a showing by the Petitioner that special circumstances or conditions exist which are peculiar to the land or structure in question and where strict compliance with the regulations would result in a practical difficulty or unreasonable hardship on the property owner. The practical difficulty standard has been comprehensively discussed. See e.g., McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the proper-

ty for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App.

28 (1974).

Moreover, relief should be granted only if same can be fashioned to be in strict harmony with the spirit and intent of the regulations and only in such a manner so as no injury to the public health, safety and general welfare will result.

Inexplicably, the Petitioner offered little testimony as to these standards. It was noted that removal or reduction of the sign would be expensive, however, a self created hardship cannot sustain the grant of a variance. See Marino v. Mayor and City Council of Baltimore, 215 Md. 206 (1957).

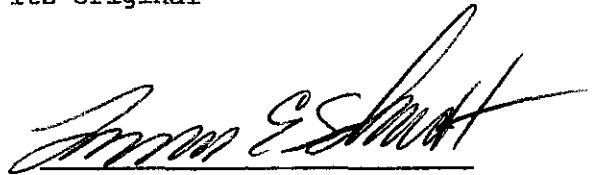
Nonetheless, a granting of the variance appears appropriate in this case based upon a review of the site plan, limited testimony offered, and this Zoning Commissioner's personal knowledge of the site. In fact, I viewed the subject sign subsequent to the hearing. It is tastefully constructed and, as noted above, the actual area of signage is significantly less than 144 sq. ft. The brick base and decorative perimeter are in harmony with the church building and appear appropriate. Moreover, the subject sign is the only signage on the property. Thus, this particular sign, when considered in the context of the area of the entire lot and

location at the intersection of the public roads, appears appropriate. For these reasons, the Petition for Variance should and will be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21<sup>ST</sup> day of February 1995, that a variance from Section 413.1.B of the Baltimore County Zoning Regulations (BCZR) to permit an existing free-standing sign, double faced, with a total area of 144 sq. ft., in lieu of the required 30 ft., as more particularly shown on the site plan, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING

Date

2/21/95

By

M. G. G. G. G.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

February 21, 1995

E.C. Kane, Esquire  
305 W. Chesapeake Avenue  
Suite 205  
Towson, Maryland 21204

RE: Case No. 95-243-A  
Petition for Zoning Variance  
Korean Presbyterian Church of Baltimore, Petitioner

Dear Mr. Kane:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.

cc: Reverend Timothy K. Oh and Reverend Young Seop Lee (President)  
cc: Mr. A.Douglas McComas, Falls Road Community Association

MICROFILMED





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

1600 SEMINARY AVENUE WEST

which is presently zoned

RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SECT. 413.1B - TO PERMIT AN EXISTING FREE STANDING SIGN,  
DOUBLE FACE, WITH A TOTAL AREA OF 154 SQ. FT. IN LIEU OF  
THE REQUIRED 30 SQ. FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

A THIRTY (30) SQUARE FOOT SIGN IS NOT FEASIBLE FOR PARISH TOWER TO  
SEE AT A THIRTY (30) MILES AN HOUR SPEED LIMIT.

95-243-A

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

E.C. KANE

(Type or Print Name)

Signature

305 W. Chesapeake 832-0092

Address

Phone No

City

Towson, Maryland 21204

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

KOREAN PRESBYTERIAN CHURCH OF BALTO.

(Type or Print Name)

Signature

YOUNG SEOP LEE-REVEREND (PRESIDENT)

(Type or Print Name)

Signature

1600 SEMINARY AVENUE WEST 832-0092

Address

Phone No

LUTHERVILLE,

MD

21098

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

E.C. KANE

Name

305 W. CHESAPEAKE AVE

832-0092

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: R.T.

DATE 1-10-94



Printed with Soybean Ink  
on Recycled Paper



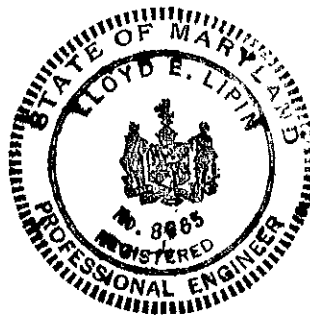
MICROFILMED

ITEM# 239

## DESCRIPTION 1600 SEMINARY AVENUE WEST

POINT OF BEGINNING LOCATED NORTH SIDE OF SEMINARY AVENUE WEST 81 FT W FROM CENTER LINE OF MAYS CHAPEL RD, THENCE LEAVING SAID LINE RUNNING N 9 DEGREES 14 MINUTES 58 SECONDS W, 35', TO THE BEGINNING OF THE SIGN, THENCE N 9 DEGREES 14 MINUTES 58 SECONDS W, 12', THENCE S 80 DEGREES 45 MINUTES 02 SECONDS W, 2', THENCE S 9 DEGREES 14 MINUTES 58 SECONDS E, 12', THENCE N 80 DEGREES 45 MINUTES 02 SECONDS E, 2', TO THE BEGINNING OF THE SIGN. 24 59 ft

95-243A



Lloyd E. Lipin, P.E. #8965

→ citation #  
94-82

Reg. T.

MINUTELY

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

93-243-12

District 8th Date of Posting 1/15/95  
Posted for: Varlenco  
Petitioner: Korean Presbyterian Church of Baltor  
Location of property: 1600 Seminary Ave, N/S  
Location of Signs: Facing roadway, on property being zoned  
Remarks: (No Pole used)  
Posted by [Signature] Date of return: 2/3/95  
Signature  
Number of Signs: 1

RECORDED

# CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Jan. 27, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan. 26, 1995.

THE JEFFERSONIAN,

A. Henrichson  
LEGAL AD. - TOWSON

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118 Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-243-A

(Item 239)

1800 Seminary Avenue

N/S Seminary Avenue, 81

W of c/ Mays Chapel Road

8th Election District

3rd Councilmanic

Legal Owner(s):

Korean Presbyterian

Church of Baltimore

Hearings: Tuesday

February 7, 1995 at

9:30 a.m. in Room 118 Old

Courthouse

Variance to permit an existing free-standing sign double-face with a total area of 154 square feet in lieu of the required 30 square feet.

LAWRENCE E. SCHMIDT

Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

1/24/95 January 26.

MICROFILMED



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date

1/10/95

Account: R-001-6150

Number

239

R.T.

YOUNG SEOP LEE  
1600 SEMINARY AVE. WEST  
LUTHERVILLE, MD. 21078

020 - VARIANCE - \$ 250<sup>00</sup>  
080 - SIGN - \$ 35<sup>00</sup>

TOTAL - \$ 285<sup>00</sup>

95-243-A

MICROFILMED

01A01ND196MILHRC

\$285.00

BA 0001:00PMU-10-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

95-243-A

*Arnold Jablon*

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 239

Petitioner: KOREAN PRESBYTERIAN CHURCH OF BALTIMORE

Location: 1600 Seminary Avenue West

PLEASE FORWARD ADVERTISING BILL TO:

NAME: KOREAN PRESBYTERIAN CHURCH OF BALTIMORE

ADDRESS: 1600 Seminary Avenue West

Lutherville, Maryland 21089

PHONE NUMBER: \_\_\_\_\_

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY  
January 26, 1995 Issue - Jeffersonian

Please forward billing to:

Korean Presbyterian Church of Baltimore  
1600 Seminary Avenue West  
Lutherville, Maryland 21089  
832-0092

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-243-A (Item 239)

1600 Seminary Avenue

N/S Seminary Avenue, 81' W of c/l Mays Chapel Road

8th Election District - 3rd Councilmanic

Legal Owner(s): Korean Presbyterian Church of Baltimore

HEARING: TUESDAY, FEBRUARY 14, 1995 at 9:30 a.m. in Room 118, Old Courthouse.

95-243-A

Variance to permit an existing free-standing sign, double-face, with a total area of 154 square feet in lieu of the required 30 square feet.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

RECEIVED

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

JANUARY 19, 1995

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-243-A (Item 239)

1600 Seminary Avenue

N/S Seminary Avenue, 81' W of c/l Mays Chapel Road

8th Election District - 3rd Councilmanic

Legal Owner(s): Korean Presbyterian Church of Baltimore

HEARING: TUESDAY, FEBRUARY 14, 1995 at 9:30 a.m. in Room 118, Old Courthouse.

Variance to permit an existing free-standing sign, double-face, with a total area of 154 square feet in lieu of the required 30 square feet.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Korean Presbyterian Church of Baltimore  
E. C. Kane, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 6, 1995

E. C. Kane, Esquire  
305 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Item No.: 239  
Case No.: 95-243-A  
Petitioner: Korean Presb.Church

Dear Mr. Kane:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 10, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: January 30, 1995  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for January 30, 1995  
Items 238, 239, 240, 242, and 243

The Developers Engineering Section has reviewed  
the subject zoning item and we have no comments.

RWB:sw

RECEIVED  
JAN 31 1995

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 1/25/95

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 1/23/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

238  
239 ✓  
240  
241

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/24/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

DISTRIBUTION MEETING OF JAN. 23, 1995.

Item No.: SEE BELOW                      Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 238, 239, 240, 241, 242  
AND 243.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

1-18-95

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
ATTN: MS. JOYCE WATSON  
Dear Ms. Winiarski:

Re: Baltimore County  
Item No.: +239 (RT)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for* Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**MICROFILMED**

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: January 19, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 229, 232, 238, 239, and 243

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary Keller

PK/JL

RE: PETITION FOR VARIANCE	*	BEFORE THE
1600 Seminary Avenue, N/S Seminary Avenue,	*	ZONING COMMISSIONER
81' W of c/l Mays Chapel Road, 8th	*	
Election Dist., 3rd Councilmanic	*	OF BALTIMORE COUNTY
Korean Presbyterian Church of Baltimore	*	CASE NO. 95-243-A
Petitioner	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

Carole S. Demilio  
 CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to E.C. Kane, Esquire, 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman  
 PETER MAX ZIMMERMAN

WILLIAM



# Zoning Enforcement

Baltimore County  
Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

95-243

TO: Larry E. Schmidt  
Zoning Commissioner

DATE: January 17, 1995

FROM: James H. Thompson - DT  
Zoning Enforcement Supervisor

SUBJECT: ITEM NO.: 239  
PETITIONER: Korean Presbyterian Church of Baltimore, Inc.

VIOLATION CASE NO.: 94-82

LOCATION OF VIOLATION: 1600 West Seminary Avenue  
Lutherville, Maryland 21093  
8th Election District

DEFENDANTS: Korean Presbyterian Church of Baltimore, Inc.  
1600 West Seminary Avenue  
Lutherville, Maryland 21093

RESIDENT AGENT: Reverend Young Seop Lee  
1600 West Seminary Avenue  
Lutherville, Maryland 21093

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

Mr. Patrick A.M. Miller

4 Chapel Court  
Luth-Timonium, Maryland 21093

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/DT/hek

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

*EC. Kone*

*REV. TIMOTHY K. OH*

*305 W. CHESAPEAKE AVE SUITE 205*  
*1800 W. SEMINARY AVE LUTHERVILLE, MD*  
*21093*

MICROFILMED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

A.D. McCOMAS

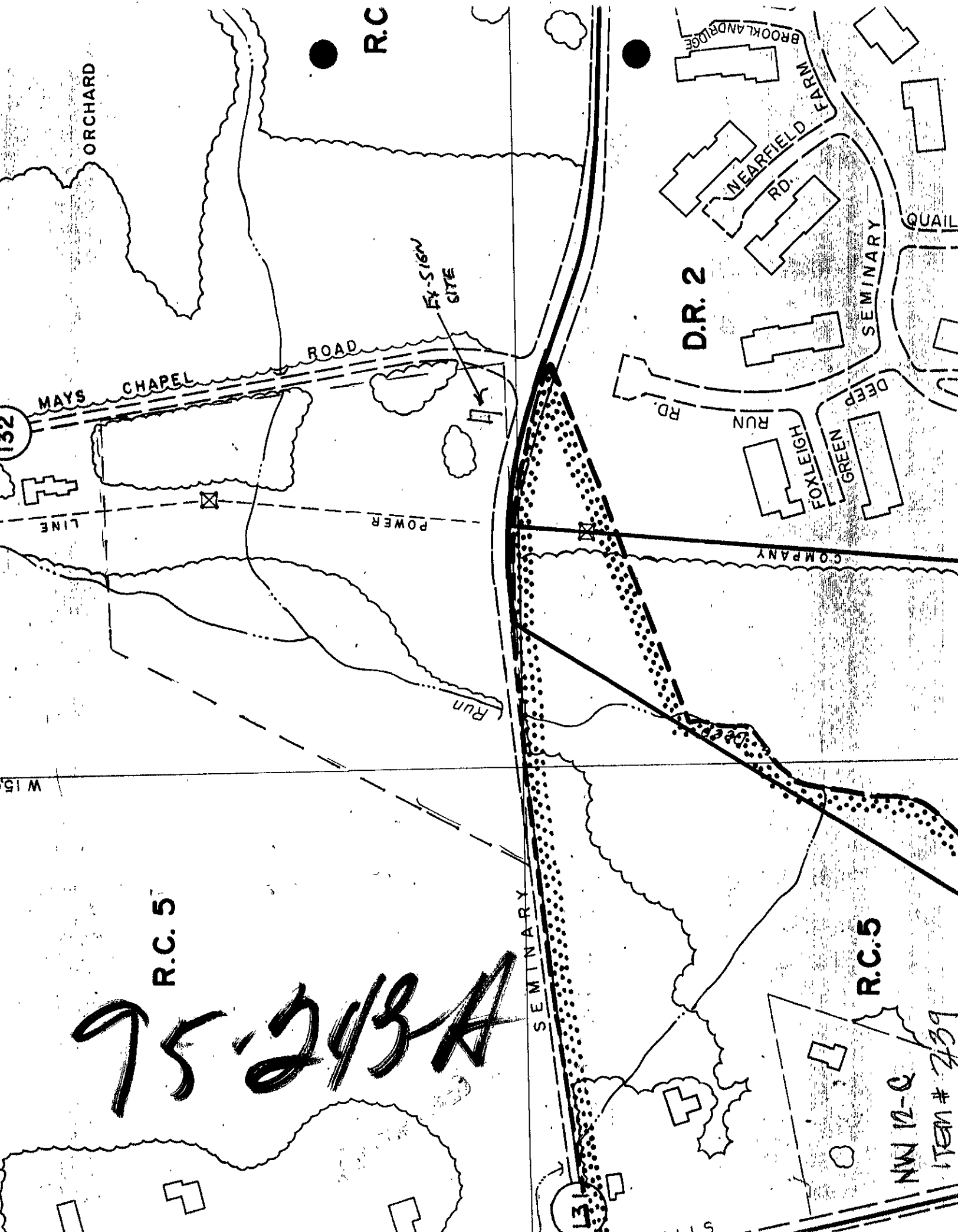
FALLS RD COMMUN. ASSO'S

P.O. BOX 555

BRACKLANDVILLE, MD 21022



WILKINSON



R.C.

ORCHARD

MAYS CHAPEL ROAD

ROAD

EX-SIGN SITE

POWER LINE

Run

R.C. 5

D.R. 2

NEARFIELD RD.

FARM BROOKLAND BRIDGE

SEMINARY

FOXLEIGH GREEN

DEEP RUN

QUAIL

COMPANY

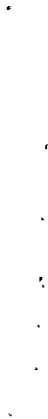
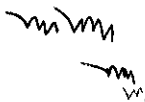
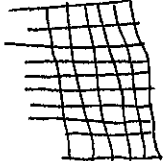
SEMINARY

R.C. 5

NW 12-C

ITEM # 2439

75-243A





IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
N/S Seminary Avenue, 81 ft. W \* ZONING COMMISSIONER  
of c/1 Mays Chapel Road \*  
1600 Seminary Avenue \* OF BALTIMORE COUNTY  
8th Election District \*  
3rd Councilmanic District \*  
Korean Presbyterian Church \* Case No. 95-243-A  
of Baltimore \*  
Petitioner \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Zoning Variance for the property located at 1600 Seminary Avenue (west) in the Lutherville/Timonium section of Baltimore County. The Petition is filed by the Korean Presbyterian Church of Baltimore, property owner. Variance relief is requested from Section 413.1.B of the Baltimore County Zoning Regulations (BCZR) to permit an existing free-standing sign, double faced, with a total area of 154 sq. ft. in lieu of the required 30 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was Reverend Timothy K. Oh, on behalf of the property owner. The property owner was represented by E.C. Kane, Esquire. Mr. A. Douglas McComas, from the Falls Road Community Association, appeared as an interested person. There were no Protestants, or other individuals present.

Testimony and evidence offered was that the subject site is a large tract which is located at the intersection of Mays Chapel Road and Seminary Avenue in Lutherville/Timonium. The property is improved with an existing church building which contains two levels. Moreover, an existing lighted, macadam parking area is also on site. The balance of the rather large tract is unimproved.

Testimony and evidence presented was that the church apparently received a complaint from an adjoining property owner, Patrick A.M. Miller, about the lighting of the parking lot. Mr. Miller, who did not appear at the public hearing, apparently complained that the lighting was shining off the site and was a nuisance to both his property and traffic on the surrounding roads. Although this problem was corrected, investigation of same by Baltimore County uncovered the fact that a sign on the property exceeds the maximum dimensions allowed by the BCZR. As noted above, the BCZR would allow a sign no larger than 30 sq. ft. to be on the property. As shown on the site plan, a large double faced sign exists on the site immediately adjacent to the intersection. Under the regulations, the entire area of the sign structure, including its base and decorative trim, is considered part of the sign. The sign is 72 sq. ft. per side, or 144 sq. ft. total. (The Petitioner apparently incorrectly described the area of the sign as 154 sq. ft. on the Petition). Moreover, the actual area of the face of the sign, not including the brick base, is 30 sq. ft. per side, or 60 ft. total.

Petitions for Variance are to be adjudged by the standards set forth in Section 307 of the BCZR as same have been construed by the case law. The Zoning Commissioner is empowered to grant variances upon a showing by the Petitioner that special circumstances or conditions exist which are peculiar to the land or structure in question and where strict compliance with the regulations would result in a practical difficulty or unreasonable hardship on the property owner. The practical difficulty standard has been comprehensively discussed. See e.g., *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property

ty for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

Moreover, relief should be granted only if same can be fashioned to be in strict harmony with the spirit and intent of the regulations and only in such a manner so as no injury to the public health, safety and general welfare will result.

Inexplicably, the Petitioner offered little testimony as to these standards. It was noted that removal or reduction of the sign would be expensive, however, a self created hardship cannot sustain the grant of a variance. See *Marino v. Mayor and City Council of Baltimore*, 215 Md. 206 (1957).

Nonetheless, a granting of the variance appears appropriate in this case based upon a review of the site plan, limited testimony offered, and this Zoning Commissioner's personal knowledge of the site. In fact, I viewed the subject sign subsequent to the hearing. It is tastefully constructed and, as noted above, the actual area of signage is significantly less than 144 sq. ft. The brick base and decorative perimeter are in harmony with the church building and appear appropriate. Moreover, the subject sign is the only signage on the property. Thus, this particular sign, when considered in the context of the area of the entire lot and

location at the intersection of the public roads, appears appropriate.

For these reasons, the Petition for Variance should and will be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of February 1995, that a variance from Section 413.1.B of the Baltimore County Zoning Regulations (BCZR) to permit an existing free-standing sign, double faced, with a total area of 144 sq. ft., in lieu of the required 30 ft., as more particularly shown on the site plan, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LFS/mm

## Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 1600 SEMINARY AVENUE WEST  
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SECT. 413.1B - TO PERMIT AN EXISTING FREE STANDING SIGN, DOUBLE FACE, WITH A TOTAL AREA OF 154 SQ. FT. IN LIEU OF THE REQUIRED 30 SQ. FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

A THIRTY (30) SQUARE FOOT SIGN IS NOT FEASIBLE FOR PARISHIONERS TO SEE AT A THIRTY (30) MILES AN HOUR SPEED LIMIT

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contact Person/Leader

Name of Petitioner

Signature

Address

City

State

Zip

Phone

Signature

Name of Petitioner

Address

City

State

Zip

Phone

Signature

Name of Petitioner

Address

City

State

Zip

Phone

Signature

Name of Petitioner

Address

City

State

Zip

Phone

(Use to determine whether and where, under the standards of parity, that use and the legal character of the property which is the subject of the petition)

Legal Character

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#### DESCRIPTION 1600 SEMINARY AVENUE WEST

POINT OF BEGINNING LOCATED NORTH SIDE OF SEMINARY AVENUE WEST 81 FT W FROM CENTER LINE OF MAYS CHAPEL RD, THENCE LEAVING SAID LINE RUNNING N 9 DEGREES 14 MINUTES 58 SECONDS W, 35', TO THE BEGINNING OF THE SIGN, THENCE N 9 DEGREES 14 MINUTES 58 SECONDS W, 12', THENCE S 80 DEGREES 45 MINUTES 02 SECONDS W, 2', THENCE S 9 DEGREES 14 MINUTES 58 SECONDS E, 12', THENCE N 80 DEGREES 45 MINUTES 02 SECONDS E, 2', TO THE BEGINNING OF THE SIGN. 24 sq ft



Lloyd E. Lijon, PE. #8965

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th  
Posted for: 1600 Seminary Avenue West  
Petitioner: Korean Presbyterian Church of Baltimore  
Location of property: 1600 Seminary Avenue West  
Location of Sign: 1600 Seminary Avenue West  
Remarks: (No Pl. and)  
Posted by: [Signature]  
Number of Signs: 1  
Date of Posting: 1/15/95  
Date of return: 1/19/95

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. Jan. 27, 1995  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan. 26, 1995.

THE JEFFERSONIAN  
LEGAL AD. - TOWSON  
A. Henrich

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

February 21, 1995

E.C. Kane, Esquire  
305 W. Chesapeake Avenue  
Suite 205  
Towson, Maryland 21204

RE: Case No. 95-243-A  
Petition for Zoning Variance  
Korean Presbyterian Church of Baltimore, Petitioner

Dear Mr. Kane:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm  
att.  
cc: Reverend Timothy K. Oh and Reverend Young Seop Lee (President)  
cc: Mr. A. Douglas McComas, Falls Road Community Association

see citation #  
94-82

Reg.T.

ITEM # 239

receipt

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date: 1/10/95

Account: R 001-6150  
Number: 239  
RT

YOUNG, GEORGE LEE  
1600 SEMINARY AVE. WEST  
LUTHERVILLE, MD. 21073

030 - VARIANCE - \$ 250.00  
030 - SIGN - \$ 35.00  
TOTAL - \$ 285.00

95-243-A

Please Make Checks Payable To Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

95-243-A

Arnold Jablon, Director

For newspaper advertising:  
Item No.: 239  
Petitioner: KOREAN PRESBYTERIAN CHURCH OF BALTIMORE  
Location: 1600 Seminary Avenue West

PLEASE FORWARD ADVERTISING BILL TO:  
NAME: KOREAN PRESBYTERIAN CHURCH OF BALTIMORE  
ADDRESS: 1600 Seminary Avenue West  
Lutherville, Maryland 21089  
PHONE NUMBER:

AJ:ggg (Revised 04/09/93)

TO: FIFTEENTH PUBLISHING COMPANY  
January 26, 1995 Issue - Jeffersonian

Please forward billing to:  
Korean Presbyterian Church of Baltimore  
1600 Seminary Avenue West  
Lutherville, Maryland 21089  
832-0092

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-243-A (Item 239)  
1600 Seminary Avenue  
N/S Seminary Avenue, 81' W of c/l Rays Chapel Road  
1st Election District - 3rd Councilmanic  
Legal Owner(s): Korean Presbyterian Church of Baltimore  
HEARING: TUESDAY, FEBRUARY 14, 1995 at 9:30 a.m. in Room 118, Old Courthouse.

Variance to permit an existing free-standing sign, double-face, with a total area of 154 square feet in lieu of the required 30 square feet.

95-243-A

LAWRENCE E. SCHULTZ  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204  
JANUARY 19, 1995

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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95-243-A

Arnold Jablon, Director

cc: Korean Presbyterian Church of Baltimore  
E. C. Kane, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 6, 1995

E. C. Kane, Esquire  
305 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Item No.: 239  
Case No.: 95-243-A  
Petitioner: Korean Presb. Church

Dear Mr. Kane:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 10, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 30, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for January 30, 1995  
Items 238, 239, 240, 242, and 243

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:aw

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 1/25/95

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 1/23/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 238  
239  
240  
241

LS:sp

LETTY2/DEPRM/TXTS6P

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/24/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

DISTRIBUTION MEETING OF JAN. 23, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

2. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 238, 239, 240, 241, 242 AND 243.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



# Korean Presbyterian Church

EX. ACCT. # 0807058700

EX. ACCT. # 0807058700

FUTURE 60' E/W

562.02'

579° 48' 2"

NORTH

ROAD

CHAPEL

MAYS

CHAPEL

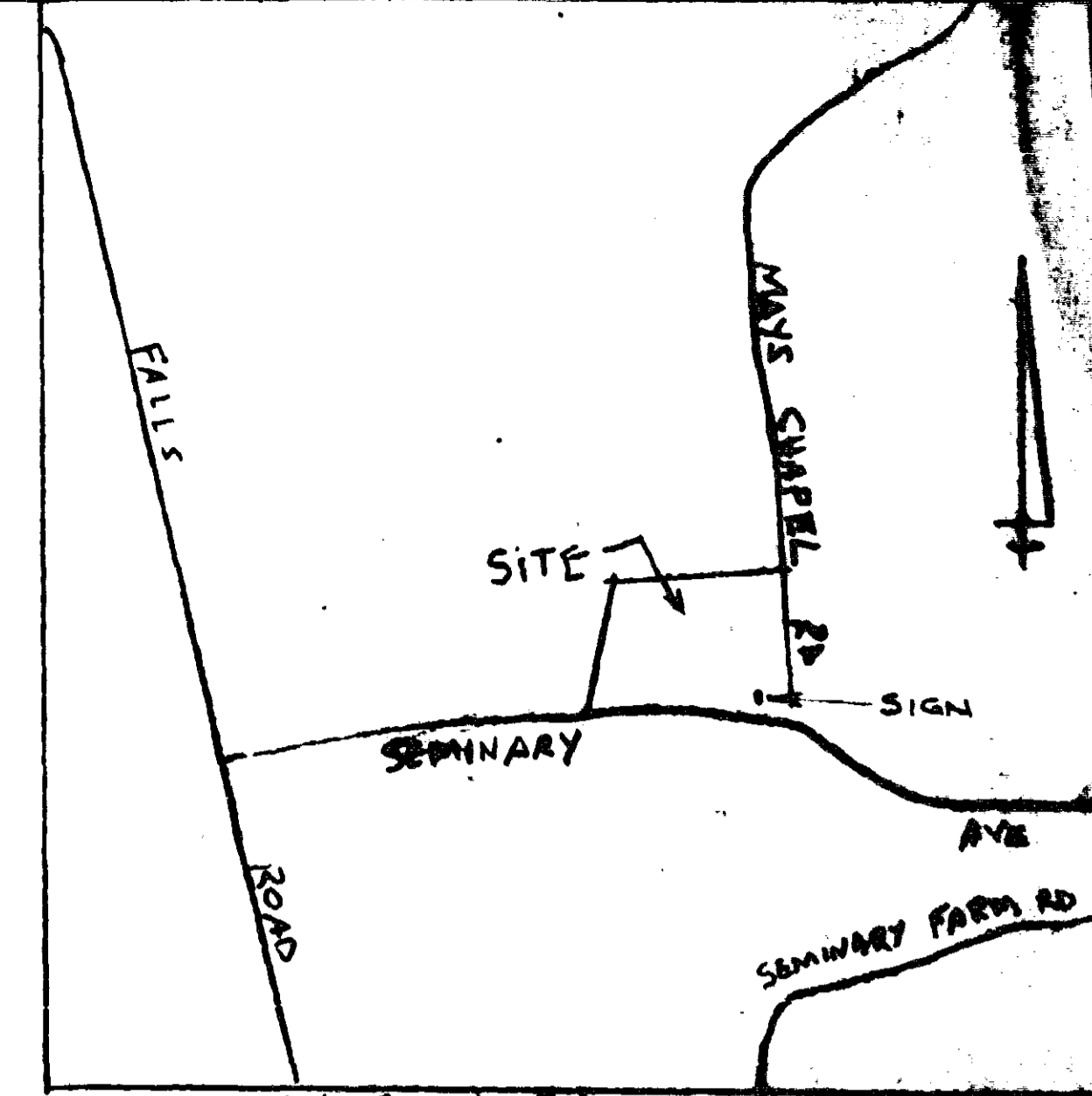
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CHAPEL

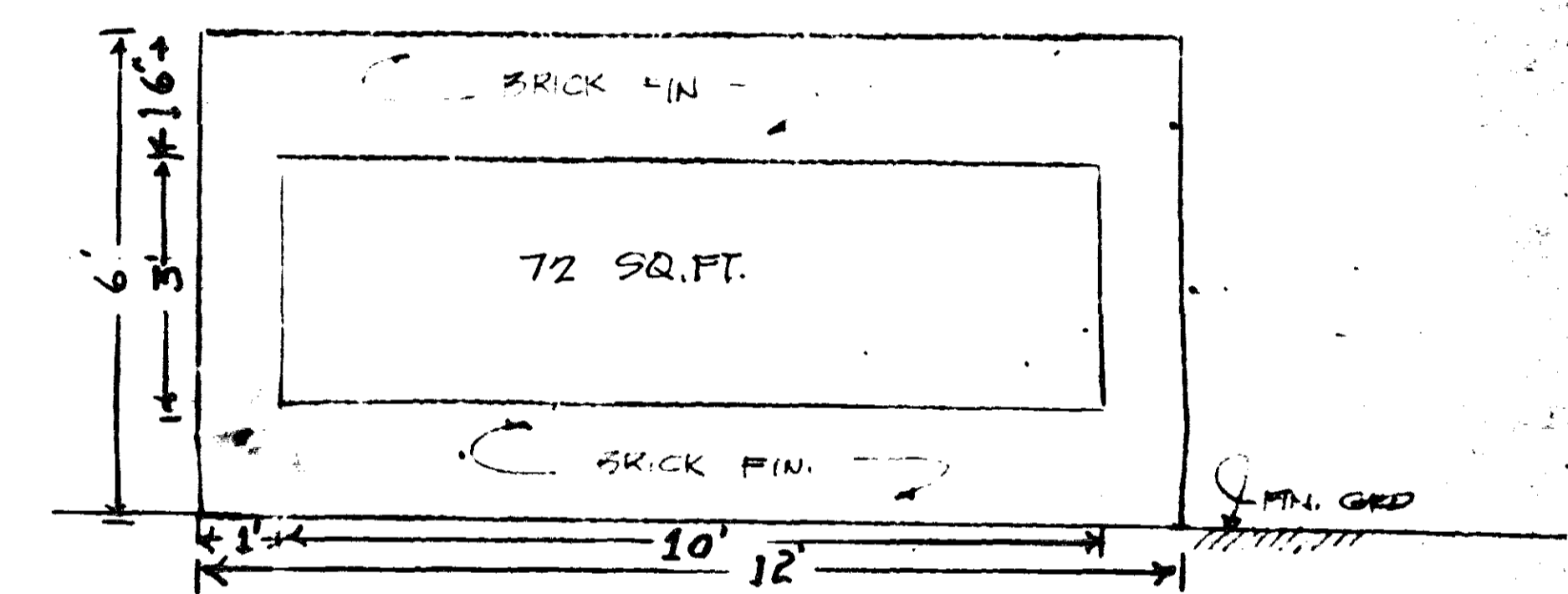
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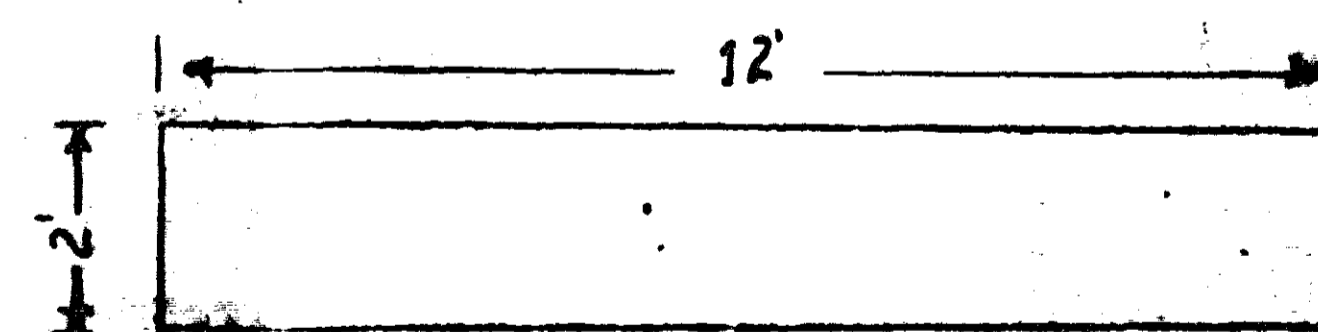


VICINITY MAP  
SCALE: 1" = 500'



ELEVATION OF SIGN

1/2" = 1'



PLAN OF SIGN

1/2" = 1 Foot

## Zoning Variance

KOREAN PRESBYTERIAN CHURCH OF BALTIMORE  
1600 SEMINARY AVENUE WEST  
LUTH. RVILLE, MD 21043  
DISTRICT 8. EX. ZONING RCE  
PRECINCT 7  
ZONING: RCE  
COUNCILMAN DISTRICT 3

95-243

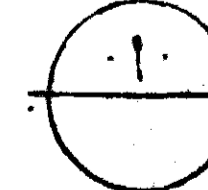
ITEM # 000

PETITIONER'S  
EXHIBIT

SEMINARY

AVE.

THE MEADOWS  
at GREEN SPRING



SITE PLAN

SCALE: 1" = 40'